

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE**

DERRICK LEWIS,)
vs. Plaintiff)
KINGSPORT POLICE DEPARTMENT, et al.)
Defendants.) Civil Action No. 2:20-CV-00114

DEFENDANTS' STATEMENT OF MATERIAL FACTS

Come the Defendants, Officer Ben DeGreen, Officer Jesse Altman, and Officer Lucas Hensley, by and through counsel, and in support of their Motion for Summary Judgment rely upon the following undisputed facts:

1. Plaintiff filed suit alleging Officer Ben DeGreen, Officer Jesse Altman, and Officer Lucas Hensley violated his Fourth Amendment rights. [See, generally, Plaintiff's Amended Complaint].

RESPONSE:

2. On or about July 4, 2019, Trooper Draine, Tennessee Highway Patrol, placed Derrick Lewis under arrest for an outstanding warrant. [Affidavit of Trooper Draine ¶ 3].

RESPONSE:

3. As Trooper Draine was traveling on East Stone Drive, in Kingsport, Tennessee, Derrick Lewis knocked out the driver's side rear window of the Tennessee Highway Patrol squad car. *Id.* at ¶ 6.

RESPONSE:

4. Derrick Lewis torqued his body so that he was able to move the handcuffs from behind his back to in front. *Id.* at ¶ 7.

RESPONSE:

5. Derrick Lewis exited the squad car, and began to flee on foot. *Id.* at ¶ 8.

RESPONSE:

6. Timothy Light (who was in the police cruiser with Derrick Lewis) ran, so Trooper Draine chased Mr. Light on foot and radioed for backup. *Id.* at ¶ 9.

RESPONSE:

7. While Derrick Lewis was running, he jumped in the bed of a pickup truck. The driver refused to accelerate. He exited the bed and continued fleeing down Stone Drive. *Id.* at ¶ 10.

RESPONSE:

8. Derrick Lewis is approximately 6' 3" and weighs 240 lbs. [Affidavit of Officer Ben DeGreen, ¶ 8].

RESPONSE:

9. Mr. Lewis eventually entered the premises of a gas station located at 1300 East Stone Drive, Kingsport, Tennessee. [Affidavit of Ben DeGreen, ¶ 5; Affidavit of Lucas Hensley, ¶ 5].

RESPONSE:

10. Officer Hensley was the first to respond and exited his vehicle with his weapon drawn. [Affidavit of Officer Lucas Hensley, ¶ 5].

RESPONSE:

11. Officer Lucas Hensley repeatedly ordered Mr. Lewis to get on the ground. [Affidavit of Lucas Hensley, ¶¶ 5-6].

RESPONSE:

12. Derrick Lewis refused to get on the ground. [Affidavit of Lucas Hensley, ¶¶ 5-6].

RESPONSE:

13. Officer DeGreen was second to arrive on the scene and had his dash cam activated, which recorded the events. [Affidavit of Officer Ben DeGreen, ¶ 10, Exhibit B].

RESPONSE:

14. Officer DeGreen arrived to the scene and sees Derrick Lewis with his hands in front of his body. [Officer Ben DeGreen dash cam footage, 3:10; Affidavit of Officer Ben DeGreen, ¶ 6].

RESPONSE:

15. Officer DeGreen ordered Derrick Lewis to get on the ground; Mr. Lewis did not comply, so he was tackled to the ground. [Officer DeGreen's dash cam footage, 3:14; Affidavit of Lucas Hensley, ¶¶ 6-7; Affidavit of Ben DeGreen, ¶ 6].

RESPONSE:

16. Once Derrick Lewis is on the ground, Lucas Hensley and Ben DeGreen radio for backup. [Officer Ben DeGreen dash cam footage, 3:23; Affidavit of Lucas Hensley, ¶¶ 6-7; Affidavit of Ben DeGreen, ¶ 6].

RESPONSE:

17. Seconds later, Plaintiff begins to resist, he attempts to push himself off the ground and knocks Officer Lucas Hensley off his back. [Officer Ben DeGreen dash cam footage, 3:38; Affidavit of Officer Ben DeGreen, ¶ 7; Affidavit of Officer Lucas Hensley, ¶ 9].

RESPONSE:

18. Around the time Lucas Hensley is knocked off of Derrick Lewis' back, Officer Jesse Altman arrives as backup. [*Id.*, 3:40; Affidavit of Lucas Hensley, ¶10; Affidavit of Ben DeGreen, ¶ 7; Affidavit of Jesse Altman, ¶ 5].

RESPONSE:

19. Based on Mr. Lewis' actions, Officer Ben DeGreen drive stuns Mr. Lewis twice; once on each side of the upper back. [Affidavit of Ben DeGreen, ¶ 7].

RESPONSE:

20. Officers Hensley, DeGreen and Altman are unable to remove Derrick Lewis' hands from under him; Lt. Quillen arrives to the scene and observes Mr. Lewis resisting and delivers a knee strike to the right rib. [*Id.*, 4:00 – 4:08; Hensley Affidavit, ¶ 11; Quillin Affidavit, ¶ 4].

RESPONSE:

21. Afterward, additional officers arrived and the responding officers are able to successfully unlock the cuffs from underneath Derrick Lewis and securely refasten them behind his back without any further incident. [Officer Ben DeGreen dash cam footage, *generally*].

RESPONSE:

22. Derrick Lewis is transported from the scene and taken to Sullivan County Detention Center. [Affidavit of Lt. Quillen, ¶ 6].

RESPONSE:

Respectfully submitted,

s/J. Christopher Rose
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CERTIFICATE OF SERVICE

I, the undersigned, J. Christopher Rose, hereby certify that on the 16th day of December, 2021, an exact copy of the foregoing ***Statement of Material Facts*** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties or their counsel listed upon the filing receipt. All other parties or their counsel, if any, will be served by regular United States Mail. Parties or their counsel may access this filing through the Court's electronic filing system.

s/J. Christopher Rose